

making of institutions, or preparing them for the final work of the lawmaker.

414. Aleatory interest *in* marriage and the function of religion.

The positive history of marriage shows that it has been always made and developed by the mores, that is to say, by the effort

of adjustment to conditions in such a way that self-realization

may be better effected and that more satisfaction may be won

from life. The aleatory element (sec. 6) in marriage is very

large. Marriage is an interest of every human being who reaches

maturity, and it affects the weal and woe of each in every

detail of life. Passing by the forms of the institution in which

the wife is under stern discipline and those in which the man

can at once exert his will to modify the institution, it may be

said of all freer forms that there is no way in which to guarantee

the happiness of either party save in reliance on the character

of the other. This is a most uncertain guarantee. In the unfold-

ing of life, under ever new vicissitudes, it appears that it is a

play of luck, or fate, what will come to any one out of the

marital union with another.

Women have been more at

the
sport of this element of luck,
but men have cared much
more for
their smaller risk in it.
Therefore, at all stages of
civilization,
devices to determine luck
have been connected with
weddings,
and in many cases acts of
divination have been
employed to find
out what the future had in
store for the pair. Marriage
is a
domestic and family affair.
The wedding is public and
invites
the cooperation of friends
and neighbors. Wedlock is a
mode
of life which is private and
exclusive. The civil authority,
after
it is differentiated and
integrated, takes cognizance
and control
of the rights of children,
legitimacy, inheritance, and
property.
Religion, in its connection
with marriage, takes its
function
from the aleatory interest. It
is not of the essence of
marriage.
It "blesses" it, or secures the
favor of the higher powers
who
distribute good and bad
fortune. In a very few cases
amongst
savage tribes religious
ceremonies " make " a
marriage ; that is,
they give to it (to the
authority of the husband) a
superstitious
sanction which insures
permanence and coercion as
long as the
husband wants permanence
and coercion. These cases
are rare.